

Supervisor of Records
Office of the Secretary of the Commonwealth
McCormack Building, Room 1719
One Ashburton Place
Boston, MA 02108

February 26, 2013

To Whom It May Concern:

I am appealing a denial of access to public records.

On November 21, 2012, I filed a request for:

All documents relating to usage of Automated License Plate Recognition (ALPR) technology by Peabody Police Department, including but not limited to documents indicating:

- scope of ALPR deployment;
- purposes for which ALPR technology is employed;
- means of handling and storing ALPR data;
- extent and timeline for ALPR data storage; and
- protocols and extent of ALPR data sharing between PPD and other government agencies.

I filed this request with the Peabody Police Department.

In their rejection letter (below), Peabody invokes G.L. c. 4 S7 (26)(b), which in part states that records are exempt which are "related solely to internal personnel rules and practices of the government unit." PPD also claims exemption under G.L. c. 4 S7 (26) (f), which states, "investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest."

As I argued in my responses to their rejections (below), the records I seek are neither (a) related solely to internal personnel rules and practice, nor (b) such that their disclosure would prejudice the possibility of effective law enforcement. I have submitted this same records request to every police department in Massachusetts known to have used or purchased ALPR scanners. More than twenty have already responded without invoking either exemption.

The records I request pertain to the policies and use of ALPR technology in the law enforcement field, and not to the internal personnel rules of any department itself. Furthermore, much of this data is required to be reported to the Executive Office of Public Safety and Security as a condition of the grant through which Peabody Police Department acquired its ALPR scanner.

Finally, the legislature is currently considering a bill that would impact ALPR policy as practiced by PPD and other police departments around the commonwealth. A key dimension of this ALPR bill is transparency and disclosure of data, policies and protocols surrounding this technology. Transparency regarding how ALPR scanners and the data they collect are used are not a hindrance of effective law enforcement. Rather, such transparency is a critical component of law enforcement overseen by the citizens of the commonwealth.

I have enclosed the communications between myself and the Peabody Police Department.

Sincerely,



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Enclosure: Original Request, Agency Response, Subsequent Correspondence